

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Oklahoma

FILED

JUL 14 2022

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY RS DEPUTY

United States of America

v.

Brionjre Martai Odell Hamilton,

Case No. M-22-514 -SM

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 11, 2022 in the county of Oklahoma in the
Western District of Oklahoma, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 922(a)(6)

Making a False Statement During the Attempted Purchase of a Firearm

This criminal complaint is based on these facts:

See attached Affidavit of Special Agent, David McCauley, ATF, which is incorporated and made a part hereof by reference.

☒ Continued on the attached sheet.
Complainant's signature

David McCauley, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date:

July 14, 2022

City and state:

Oklahoma City, Oklahoma
Judge's signature

SUZANNE MITCHELL, U.S. Magistrate Judge

Printed name and title

warrant are being sought for a violation of United States Code, Title 18, Section 922(a)(6).

FACTS SUPPORTING PROBABLE CAUSE:

1. Based on an investigation conducted by Special Agent David McCauley, of the ATF; Brionjre Martai Odell HAMILTON (HAMILTON) was found to be a prohibited person by the Federal Bureau of Investigation (FBI) National Instant Criminal Background Check System (NICS). HAMILTON was listed as drug user due to two arrests in 2019 and 2021.

2. I have reviewed a criminal history for HAMILTON. HAMILTON's criminal record includes the following:

- Carrying a Firearm while Under the Influence of Drugs, CM-2021-3533 (Pled Guilty on May 25, 2022, in Oklahoma County Court District Court).
- Possession of Marijuana and DUI/D- OHP Incident 06115-19

3. On 03/17/2022, your affiant received a NICS Delayed Denial for Brionjre HAMILTON. HAMILTON went to Sooner State Pawn (FFL#57307109024F04138) located at 4205 NW 23rd Street, Oklahoma City, Oklahoma on multiple dates. HAMILTON was delayed for each purchase, but the firearms were transferred after the required waiting period. HAMILTON was later denied due to two drug charges from 2019 and 2021.

4. March 18, 2022, SA McCauley contacted Sooner State Pawn to obtain information related to HAMILTON. SA McCauley spoke with Todd Horton who was listed as the transferee on the 4473 forms for HAMILTON's purchases. SA McCauley

inquired about the three (3) firearms that were listed for HAMILTON on the denial. Mr. Horton informed SA McCauley that HAMILTON had purchased nine (9) firearms from Sooner State Pawn. Mr. Horton provided SA McCauley with HAMILTON's phone number and provided 4473 forms for the nine (9) firearms.

5. On March 18, 2022, SA McCauley contacted HAMILTON via phone number 405-885-7483. SA McCauley contacted HAMILTON who was advise that HE was a prohibited person based on being labeled a drug user due to HIS two arrests from 2019 (OHP DUI/D arrest) and 2021(OCPD possession of firearm under the influence of marijuana arrest). HAMILTON confirmed HIS identity and advised HE was aware of the arrests. SA McCauley advised HAMILTON to return the nine (9) firearms to Sooner State Pawn. HAMILTON advised SA McCauley that all but one firearm had been stolen.

6. SA McCauley advised HAMILTON that it appeared HE was selling the firearms. HAMILTON did not deny this assertion, but did advise the stolen firearms were reported to the Oklahoma City Police Department (OCPD). SA McCauley advised HAMILTON to take the one firearm HE claimed to have in HIS possession back to the business, which HE has failed to comply.

7. After speaking to HAMILTON and advising him of the prohibiting factors, HAMILTON refused to return calls or messages from this agent. Your affiant placed HAMILTON on a NICS Flag to be informed if HAMILTON attempted to purchase firearms while knowingly being prohibited.

8. On March 27, 2022, HAMILTON completed the ATF form 4473 at Just Guns, at RK Shows in Oklahoma City, Oklahoma. HAMILTON attempted to purchase a Springfield, model XD-40, .40 caliber pistol, bearing serial number XD432067.

HAMILTON was denied due to his prohibiting factor. HAMILTON knowingly provided Just Guns false information.

9. On April 7, 2022, HAMILTON responded to Kings Pawn and Gun, located in Del City, Oklahoma. HAMILTON completed the ATF Form 4473. HAMILTON attempted to purchase a Springfield, model XD-40, .40 caliber pistol, bearing serial number GM132131. HAMILTON was denied due to his prohibiting factor. HAMILTON knowingly provided Kings Pawn and Gun false information.

10. On June 1, 2022, HAMILTON responded to Sooner State Pawn, located in Oklahoma City, Oklahoma. HAMILTON completed the ATF Form 4473. HAMILTON attempted to purchase Taurus, model G2C, 9mm caliber pistol, bearing serial number ICI2881. HAMILTON was denied due to his prohibiting factor. HAMILTON knowingly provided Sooner State Pawn false information.

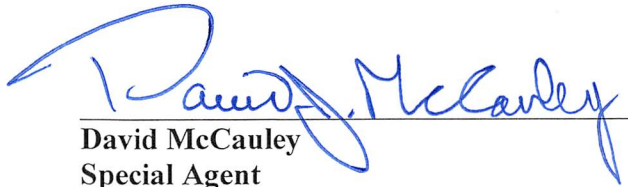
11. On July 11, 2022, HAMILTON responded to COPS Gun Shop, located in Oklahoma City, Oklahoma. HAMILTON completed the ATF Form 4473. HAMILTON attempted to purchase an ATI, model Omni Hybrid Maxx, .556 caliber pistol, bearing serial number NS349608. HAMILTON was denied due to his prohibiting factor. HAMILTON knowingly provided COPS Gun Shop false information.

12. On July 11, 2022, SA McCauley was contacted by COPS Gun Shop and spoke to Austin Warfield. Mr. Warfield advised that a female believed to be HAMILTON's girlfriend attempted to purchase the same firearm HAMILTON was denied. Carrisha JONES, DOB: 04/15/1995, was observed by salesclerks at COPS Guns Shop exit a vehicle occupied by HAMILTON and another unknown male.

13. HAMILTON remained in the vehicle and once JONES was inside of the business, she completed the ATF Form 4473. JONES attempted to purchase an ATI, Model: Omni Hybrid, .556 caliber pistol, bearing serial number NS349608. JONES is not prohibited; however, COPS Gun Shop did not proceed with the sale believing JONES was attempting to straw purchase the firearm for HAMILTON.

Based upon the facts and circumstances, I believe that probable cause exists that on or about July 11, 2022, in Oklahoma City, Oklahoma, in the Western District of Oklahoma, **Brionjre Martai Odell HAMILTON** did knowingly make false statements to Federal Firearms Licensees (FFL) while attempting to purchase a firearm in violation of United States Code, Title 18, Section 922(a)(6).

FURTHER I SAITH NOT.


David McCauley
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Subscribed and Sworn to before me this 14th day of July 2022.


SUZANNE MITCHELL
UNITED STATES MAGISTRATE JUDGE